

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>ELIZABETH PICHLER, RUSSELL CHRISTIAN,</b>	:	
<b>SETH NYE, HOLLY MARSTON, KEVIN QUINN,</b>	:	
<b>JOSE L. SABASTRO, THOMAS RILEY, AMY</b>	:	
<b>RILEY, and RUSSELL DAUBERT, on behalf of</b>	:	
<b>themselves and all others similarly situated,</b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>04-CV-2841</b>
	:	
<b>v.</b>	:	
	:	
<b>UNITE (UNION OF NEEDLETRADES,</b>	:	
<b>INDUSTRIAL &amp; TEXTILE EMPLOYEES</b>	:	
<b>AFL-CIO), a New York unincorporated association,</b>	:	
	:	
<b>Defendant.</b>	:	
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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2009, upon consideration of Defendant UNITE's Motion for Summary Judgment on the Issue of Punitive Damages and any opposition thereto, it is hereby

ORDERED that Defendant UNITE's Motion for Summary Judgment on the Issue of Punitive Damages is GRANTED; and it is further

ORDERED that summary judgment is entered in favor of Defendant on Plaintiffs' requests for punitive damages.

\_\_\_\_\_  
Stewart Dalzell, J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>RILEY, and RUSSELL DAUBERT, on behalf of</b>	:	
<b>themselves and all others similarly situated,</b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>04-CV-2841</b>
	:	
<b>v.</b>	:	
	:	
<b>UNITE (UNION OF NEEDLETRADES,</b>	:	
<b>INDUSTRIAL &amp; TEXTILE EMPLOYEES</b>	:	
<b>AFL-CIO), a New York unincorporated association,</b>	:	
	:	
<b>Defendant.</b>	:	
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**UNITE’S MOTION FOR SUMMARY JUDGMENT  
ON THE ISSUE OF PUNITIVE DAMAGES**

In accordance with this Court’s Order of May 6, 2009 (Docket Entry #272), Defendant UNITE, through its undersigned counsel, respectfully moves this Court for an order of summary judgment in its favor denying plaintiffs’ claim for punitive damages. This motion is brought pursuant to Rule 56 of the Federal Rules of Civil Procedure and is supported by the

Memorandum of Law in Support of UNITE's Motion for Summary Judgment on the Issue of Punitive Damages and the accompanying exhibits, which are incorporated herein by reference.

Date: June 3, 2009

s/ Lawrence T. Hoyle  
Lawrence T. Hoyle, Jr.  
Arlene Fickler  
Arleigh P. Helfer III  
John R. Timmer  
Benjamin H. Field  
HOYLE, FICKLER, HERSCHEL & MATHES, LLP  
One South Broad Street, Suite 1500  
Philadelphia, PA 19107

Counsel for Defendant UNITE

**CERTIFICATE OF SERVICE**

I, Benjamin H. Field, hereby certify that on this 3<sup>rd</sup> day of June, 2009, I caused Defendant UNITE's Motion for Summary Judgment on the Issue of Punitive Damages to be filed using the Court's ECF system. The document is available for viewing and downloading via the ECF system.

In addition, I caused the Memorandum of Law in Support of UNITE's Motion for Summary Judgment on the Issue of Punitive Damages to be filed UNDER SEAL pursuant to the Court's January 7, 2005 Confidentiality Order.

Hardcopies of the foregoing documents were served upon counsel for Plaintiffs in the manner set forth below:

**By Email (without Exhibits) and First Class Mail, Postage  
Prepaid**

David Picker, Esq.  
Paul Rosen, Esq.  
SPECTOR GADON & ROSEN, P.C.  
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Philadelphia, PA 19103

*Attorneys for Plaintiffs*

s/ Benjamin H. Field